

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BOARD OF TRUSTEES OF THE OMAHA
CONSTRUCTION INDUSTRY PENSION
PLAN,

Plaintiff,

vs.

KOTAS ENTERPRISES, LLC,

Defendant.

8:23CV502

**ORDER FOR FURTHER PROCEEDINGS
ON MOTION FOR DEFAULT
JUDGMENT**

On May 21, 2024, the Court granted Partial Default Judgment in this case stating that plaintiff Board of Trustees of the Omaha Construction Industry Pension Plan (OCI) or its designee shall perform a complete audit of the payroll and payroll related records of defendant Kotas Enterprises, LLC, for a computation of unpaid contributions to the Pension Plan on behalf of workers covered by the collective bargaining agreement, plus liquidated damages, interest, fees, and other relief provided by law, and directing defendant Kotas Enterprises, LLC, (Kotas) to comply with and cooperate fully in such audit. [Filing 14 at 6](#). Defendant Kotas has not cooperated in the audit process, despite Orders to Show Cause, [Filing 22](#); [Filing 24](#). Under the circumstances, the Court deems it appropriate to direct the Clerk of Court to terminate OCI's March 13, 2024, Motion for Default Judgment—which has remained pending for the last year—and to reiterate and clarify the Court's requirements for proof of damages set out in the Partial Default Judgment. [Filing 15 at 7](#). Accordingly,

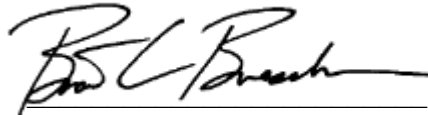
IT IS ORDERED that

1. The Clerk of Court shall terminate OCI's March 13, 2024, Motion for Default Judgment; and

2. Upon completion of the audit authorized in the Partial Default Judgment, [Filing 15 at 6](#), plaintiff OCI shall file a Motion for Damages on Default Judgment presenting sufficient evidence and argument demonstrating that it is entitled to damages and other relief. The Motion for Damages shall include a statement of whether OCI believes an evidentiary hearing is necessary on the determination of damages and other relief. Plaintiff OCI shall continue to file status reports on the progress of the audit not less than every sixty (60) days from the date of this Order.

Dated this 26th day of March, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge